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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,390	01/16/2002	Sheng Hsin Liao	MR2349-774	1676
4586	7590	07/09/2004	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			WEST, LEWIS G	
			ART UNIT	PAPER NUMBER
			2682	
DATE MAILED: 07/09/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/046,390

Applicant(s)

LIAO, SHENG HSIN

Examiner

Lewis G. West

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Objections

Claim 11 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 11 depends from itself, and therefore has no parent claim to further limit. Correction is required. For examination it is assumed that claim 11 depends from claim 1.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has failed to properly define what is meant by a "sound hole", and such terminology is not defined or mentioned in the specification. Correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Gitzinger.

Regarding claim 1, a miniature vocal transmitter device, comprising: a cable-receiving structure, comprising: a case 16, a cable-winding plate 34, a connection cable 56 and a spiral spring (35a-35c), the cable-winding plate and the spiral spring being arranged in the case, and the connection cable being wound around the cable-winding plate; an earphone, connected to a first terminal of the connection cable; a fastener, mounted on the case of the cable-receiving structure; and a microphone, arranged either in the case of the cable-receiving structure or the fastener, and further connected to a second terminal of the connection cable. (Col. 3 lines 21-56; figures 2 and 3)

2. The device of claim 1, wherein a cable-receiving cavity is defined in the case of the cable-receiving structure for holding the cable-winding plate, a cable hole being defined through a sidewall of the cable-receiving cavity to enable the connection cable to be extended there through, an inner surface of the cable-receiving cavity being centrally provided with a axle through which a slot is axially defined, the axle with the axially defined slot engaging through the case to connect a groove externally defined on the case, thereby the second terminal of the connection cable being extended out of the case through the slot of the axle. (Col. 3 lines 21-56; figures 2 and 3)

3. The device of claim 2, wherein a central axle hole is defined in a central portion of the cable-winding plate; a cable-winding ring and a spring fastening member being further placed over two opposite surfaces of the cable-winding plate, the cable-winding plate being pivotally connected to the axle, the connection cable being wound around the

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cable-winding ring and the axle, the spiral spring being arranged inside the spring fastening member, and a first attachment end of the spiral spring being further fastened with the spring fastening member while a second attachment end of the spiral spring being fastened with the axle. (Col. 3 lines 21-56)

4. The device of claim 1, wherein either the case of the cable-receiving structure or the fastener is provided with a sound hole corresponding to the microphone. (Col. 3 lines 21-56; figures 2 and 3)

5. The device of claim 1, wherein a connector connected to the connection cable is further provided either in the case of the cable-receiving structure or the fastener. (Col. 3 lines 9-20)

6. The device of claim 1, wherein a wireless receiver is provided either in the case of the cable-receiving structure or the fastener. (Col. 1 lines 52-65)

9. The device of claim 1, wherein a switch connected to the connection cable is further provided on the case of the cable-receiving structure. (Col. 6 line 65-col. 7 line 11)

10. The device of claim 1, wherein the back-and-forth controller includes an oscillating member and a toothed wheel, an immobilization or winding of the cable-winding plate being thereby achieved via a reverse pull-out/release manipulation on the connection cable. (col. 4 lines 20-65)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gitzinger in view of Examiner's official notice..

Regarding claim 11, Gitzinger discloses a device with a fastener, but does not expressly disclose a pivotal fastener. Examiner takes official notice that portable devices including vocal transmitters often use pivotal clips for attachment to clothing or otherwise on a person. Therefore it would have been notoriously obvious to one of ordinary skill in the art at the time of the invention for the fastener to include a clipping device that has a resilient connecting part integrally formed with the connection of the fastener with the case so that the clipping device is clipped on a user's cloth by means of the resilient connecting part as a pivot in order to free up a user's hands, to allow the user more use of hands for other activities or when holding an object might be awkward such as while jogging or running.

Allowable Subject Matter

Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Regarding claim 7, the prior art discloses the device of claim 1, but does not disclose the specific structure of the microphone and support as follows: a microphone support, a sealing member, and a switch are further provided either on the cable-receiving structure or the fastener, the microphone being a capacitance microphone which is arranged inside the microphone support and locally adhered to an inner wall of the microphone support, thereby defining a clearance between the capacitance microphone and the microphone support; the sealing member matching a hole of the microphone support, the hole being communicated with the clearance; the switch being located outside the microphone support to control the sealing member connected to the switch; the sealing member moving upward or downward along with an upward or downward move of the switch in the microphone support, thereby closing or opening the clearance between the capacitance microphone and the microphone support. When incorporating all the stated limitations, none of the prior art discloses the features as claimed.

Claim 8 depends from claim 7, so when incorporating all the limitations of the base claim and any intervening claims, including claim 7, none of the prior art discloses the features as claimed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Whitley, Verity, Boylan, Ho and Liao are relevant to the art of cord reel devices and users attached devices.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis G. West whose telephone number is 703-308-9298.


The examiner can normally be reached on Monday-Thursday 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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June 28, 2004



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6/28/04